



POLICE DEPARTMENT

July 6, 2022

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In the Matter of the Charges and Specifications :

- against - :

Sergeant William Craven :

Tax Registry No. 929955 :

Housing PSA 2 :

Case No.

2018-18895

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At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Paul M. Gamble
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Emily Collins, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent: Roger Blank, Esq.
136 Madison Avenue, 6th Floor
New York, NY 10016

To:

HONORABLE KEECHANT SEWELL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

2. Said Sergeant William Craven, while assigned to Housing Police Service Area #9, on or about April 16, 2018, while off-duty, was discourteous to on-duty Metropolis¹ Police Department law enforcement officers.

P.G. 203-09, Page 1, Paragraph 2

PUBLIC CONTACT – GENERAL
GENERAL REGULATIONS

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

(As amended)

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on May 12, 2022. Respondent, through his counsel, entered a plea of Not Guilty to the subject charge. The Department called Sergeant [REDACTED] of the Metropolis Police Department as a witness, and Respondent testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, I find Respondent Guilty and recommend a penalty of 30 pretrial suspension days, previously served. I recommend that three suspension days, previously served, be restored to Respondent.

ANALYSIS

The following is a summary of the facts that are not in dispute.

On April 17, 2018, at approximately 0020 hours, Sergeant [REDACTED], Patrolman [REDACTED], and Patrolman [REDACTED] of the Metropolis Police Department were dispatched to Respondent's home² on a complaint that he violated an Order of Protection.

¹ "Metropolis" is a pseudonym for Respondent's local police department.

² The street address of Respondent's home is known to the Tribunal but is omitted from this memorandum in the interest of Respondent's privacy.

Sergeant [REDACTED] attempted to contact Respondent by telephone and text message for approximately 10-15 minutes before knocking on his door.³

Respondent eventually opened his front door and conversed with Sergeant [REDACTED], the details of which are disputed. During their discussion, Respondent remained inside the threshold of his home. This portion of the discussion continued for approximately 1½ hours, during which period Sergeant [REDACTED] contacted his supervisor [REDACTED].

At approximately 0130 hours, Respondent permitted Sergeant [REDACTED] and Police Officer [REDACTED] to enter his home while Police Officer [REDACTED]; at about 0250 hours, [REDACTED]. Respondent arranged for his minor child, sleeping inside the home during the entire encounter, to be picked up by a relative [REDACTED].

[REDACTED]

[REDACTED]

The following is a summary of the relevant evidence presented to this Tribunal at the disciplinary hearing.

Sergeant [REDACTED] testified that he was on duty the evening of April 16, 2018, when he was dispatched to Respondent's home based on a complaint made by Respondent's former partner; the complaint alleged that Respondent had violated an Order of Protection (T. 30). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

³ While the basis for Sergeant [REDACTED]'s appearance at Respondent's home is not being challenged in this proceeding, the records demonstrate that [REDACTED]

[REDACTED], no exigent circumstances would have supported entry into Respondent's residence without an arrest warrant (*Payton v. New York*, 445 U.S. 573[1980]).

██████ and the other police officers arrived at Respondent's home shortly after 0000 hours on April 17, 2018 (T. 32-33). ██████'s patrol car was equipped with a dashboard camera, which recorded video and audio footage of the encounter with Respondent (Dept. Ex. 1; T. 64).

Upon his arrival, ██████ first attempted to call, then text, Respondent, leaving messages informing him of his need to speak with him, but was not successful in reaching making contact (T. 34-37). After failing to reach Respondent by phone or text, ██████ knocked on his door. When Respondent answered it, ██████ told him that he wanted to speak to him regarding a violation of an Order of Protection and requested he come to police headquarters to do so (T. 39-40). At this point, Respondent was inside the threshold of the house, while ██████ remained outside the front door; he recalled a screened storm door between them (T. 41, 120). Respondent informed ██████ that his son, who was ██████ years-old at the time, was home and sleeping in bed (T. 48-49).

When Sergeant ██████ first asked Respondent to come to police headquarters, he declared that he was not leaving (T. 40). Sergeant ██████ attempted to continue the conversation in an attempt to have Respondent change his position; after about three minutes, Respondent again asserted that he was not leaving his residence and stated ██████, " . . . Bring—bring —bring the SERT Team, whatever you got to do okay" (T. 41-43; Dept. Ex. 1A at 5). Sergeant ██████ described the SERT team as the "Sheriff's Emergency Response Team" (T. 42). He compared their job to the NYPD's Emergency Services Unit (*Id.*).

Sergeant ██████ testified that he informed Respondent that if he did not return to headquarters with them, then he would return with an arrest warrant (T. 44-45). Respondent again refused, asserting that someone was going to "leave on a disability pension" if they attempted to arrest him (T. 44). Respondent replied, "All's I got to say is I don't know who's going, you know, on a disability pension, but you know what, I'm not going quietly" (Dept. Ex.

1A at 25; T. 45-46). Sergeant [REDACTED] then said, “I won’t—I don’t appreciate threats,” to which Respondent indicated, “But it’s –it’s not a threat, it’s facts” (Dept. Ex. 1A at 25; T. 46-47).

Sergeant [REDACTED] testified that he perceived Respondent’s statement as threatening to himself and the other two police officers (T. 46-47). [REDACTED] conceded on cross-examination that he told Respondent if he had to return with an arrest warrant, they would “have to put hands on him” (T. 126).

While Sergeant [REDACTED] continued his attempts to have Respondent come to police headquarters voluntarily, Respondent persisted in refusing and referred to needing the SERT team (T. 49-50). At approximately 0100 hours, Sergeant [REDACTED] contacted the patrol lieutenant to advise him of the status of the job; [REDACTED]

[REDACTED]

[REDACTED]

While [REDACTED] Respondent recognized Sergeant [REDACTED] from one of their previous interactions; he became less hostile and invited Sergeant [REDACTED] and Police Officer [REDACTED] inside his home (T. 140-42). [REDACTED]

[REDACTED]

Sergeant [REDACTED] testified that at one point during the confrontation, Respondent stated, “If these fucking ball bags want to come and try to fucking hook me up, good luck” (T. 168; Dept. Ex. 1A at 39). He interpreted that statement to mean that Respondent would make it difficult [REDACTED] (T. 168-69). Sergeant [REDACTED] testified that he interpreted Respondent’s statement “I’m not going quietly” to mean he would use physical force [REDACTED]. He also testified that he found the term “ball bag” offensive (T. 183-84).

During this prolonged discussion, Sergeant [REDACTED] recalled Respondent expressing his displeasure towards the local police department and the local prosecutor. Respondent informed

him of how he was upset about the manner in which both handled prior incidents regarding his ex-girlfriend. Respondent also expressed that he was upset over alleged abuse to his son, which he mentioned to the officers. He said he felt the police department and prosecutor's office were not helping, which was why he was hostile toward Sergeant [REDACTED]. Sergeant [REDACTED] stated that while he had interacted with Respondent in the past, he had never before seen him become agitated (T. 121-24, 162).

Sergeant [REDACTED] testified that he tried to be courteous towards Respondent, as he was aware that he was a Member of Service and had a minor child sleeping in the residence. He denied raising his voice towards Respondent when speaking with him, although Respondent was agitated and loud (T. 78-80).

Respondent testified that on April 16, 2018, members of the Metropolis Police Department responded to his home because of a text message he sent to his ex-wife (T. 226).

[REDACTED]
[REDACTED] (T. 230). He testified that he believed he had done nothing wrong, based upon his knowledge of the law, and informed the police officers of that belief (T. 230-31). Respondent testified that when the officers persisted in asking him to go to headquarters, he demanded [REDACTED] (T. 231).

Respondent denied that "ball bag" was a derogatory term; he explained that it was the equivalent of the term "hair bag" and referred to people who are "special[ly] chosen" (T. 232-33). He explained further that he interpreted Sergeant [REDACTED]'s assertion, "We're going to come back, and it's not going to be with such nice hands," to be a warning that he was going to be [REDACTED] roughed up (T. 233-34; Dept. Ex. 1A at 24). He contended that he responded by saying, "Which one is going out on disability?" because his "coping mechanisms" had been impaired by previous trauma (T. 234). Respondent also attributed his responses to

Sergeant [REDACTED] and the other police officers to a bad experience with the local family court (T. 235).

Respondent conceded that he knew the SERT team is used for jobs such as barricaded individuals (T. 268-72). He admitted that he did tell [REDACTED] to bring in the SERT team but only after [REDACTED]'s statement about coming back with "not such nice hands" (T. 278). Respondent conceded that he did not offer the police officers any information regarding whether he was armed, but contended that no one asked him; furthermore, he claimed that he was unarmed and had been so since being placed on modified duty (T. 282-84).

I credit the testimony of Sergeant [REDACTED] as forthright, concise, and logical. His veracity was enhanced by the dashboard video in Department's Exhibit 1, as the events depicted in the recording corroborated his testimony.

In contrast, I find Respondent an unreliable narrator of the events. I had the opportunity to observe his demeanor at trial and evaluate the content of his testimony. While any respondent is interested in the outcome of a disciplinary proceeding, Respondent seemed driven to move past his alleged misconduct and focus the Tribunal's attention on his unsubstantiated claim that he was the victim of a vendetta by [REDACTED] local police, and the family court. Accordingly, most of his testimony was irrelevant and lacking in probative value.

Discourtesy

I find that the Department has met its burden of proof by a preponderance of the credible, relevant evidence that Respondent was discourteous to Metropolis Police Department officers on April 16, 2018.

Respondent admitted in his trial testimony, and Sergeant [REDACTED] testified credibly, that he raised the issue of the police officers "going out on a disability pension" if they attempted to arrest him. If there was any ambiguity about what Respondent meant, he also stated that he

would not “go quietly” and told [REDACTED] that he should call the “SERT” team. Finally, Respondent boasted, “Good luck hooking me up.” I had the opportunity to listen to Sergeant [REDACTED]’s dashboard camera recording as Respondent made the above-described statements: I found his tone belligerent and, based upon the surrounding circumstances, intended to be taken seriously.

These comments established that Respondent threatened [REDACTED] sufficient physical force to cause permanent injury to one or more of the [REDACTED] officers.

I do not credit Respondent’s testimony that he only invoked the police officers “going out on disability” after Sergeant [REDACTED] made a threat to him and that, therefore, his statement did not constitute misconduct. I find that [REDACTED]’s comment to Respondent was a statement of fact calculated to make him reconsider his defiant position. While Respondent did have the right to insist that the police officers [REDACTED], he did not have the right to make physical threats toward them.

Based upon the foregoing, I find Respondent Guilty of Specification 2.

PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department’s Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent’s employment record was also examined (*see* 38 RCNY §15-07). Respondent was appointed to the Department on July 1, 2002. Information from his personnel record that was considered in making this penalty recommendation is in an attached memorandum.

The Department Advocate has recommended a penalty of 20 suspension days. I note that Respondent has previously served 33 pretrial suspension days. Considering all the evidence in

the record, I find that no penalty in excess of the pretrial suspension days previously served is warranted.

The presumptive penalty for dispute/failure to comply with an on-duty law enforcement officer while off-duty is 15 penalty days; the mitigated penalty is ten days, and the aggravated penalty is 20 days.

Respondent has been found Guilty of discourtesy to local police officers. This is not the first time Respondent has been unprofessional with police officers: in 2006, he was disciplined for being discourteous to a New Jersey police chief. The nature of the language Respondent used in this case to on-duty police officers is shocking.

Respondent's tantrum would have been reckless had he been a civilian; that he expressed such combative language under these circumstances bespeaks a sense of entitlement. He gave little thought to how the on-duty police officers received such language and the foreseeable stress he injected into the situation. Unsatisfied with defying their authority, he raised the stakes by suggesting they would need additional, better-equipped police officers to take him [REDACTED]. The police officers had to face the prospect of a physical confrontation with a fellow Member of Service, who may well have been armed and prepared to use deadly force against them. Such behavior from any Member of Service would be unacceptable; it is deplorable from a 20-year Member of Service.

I do not find any evidence of mitigation in the record; I have found, however, several aggravating factors.

First, Respondent's status as a supervisor is aggravating. Respondent cannot reasonably command the respect of his subordinates if he refuses to be subject to the same laws he has sworn to enforce.

Second, I have considered the adverse impact of Respondent's misconduct upon the mission and reputation of this Department. A brother police officer from another agency was forced to come into court to hold Respondent accountable for his misconduct. His threatening and unprofessional behavior starkly contrasts the selfless, often heroic, conduct of Members of Service in the most challenging situations. This Department often depends on cooperative relationships with other law enforcement agencies, made possible by the high regard in which we are held. Respondent's self-aggrandizing spectacle put that reputation at risk without justification.

Third, Respondent has a formal disciplinary history. In 2006, he forfeited 40 vacation days after pleading guilty to, among other things, making disrespectful comments to a New Jersey Police Chief, falsely representing that he was a New Jersey resident when he applied for a position as a police officer, and using a Department computer for non-Department business⁵.

Based on the record, I recommend that Respondent forfeit 30 pretrial suspension days, previously served. I recommend that three pretrial suspension days, previously served, be restored to Respondent.

Respectfully submitted,



Paul M. Gamble
Assistant Deputy Commissioner Trials

APPROVED

AUG 25 2022

KEECHANT L. SEWELL
POLICE COMMISSIONER

⁵ The previous case will not trigger a progressive discipline enhancement because Respondent's prior misconduct occurred more than ten years before the instant transgression.



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: SUMMARY OF EMPLOYMENT RECORD
SERGEANT WILLIAM CRAVEN
TAX REGISTRY NO. 929955
DISCIPLINARY CASE NO. 2018-18895

Respondent was appointed to the Department on July 1, 2002. On his three most recent annual performance evaluations, he received 4.0 overall ratings of "Highly Competent" for 2014, 2015, and 2018. He has been awarded three medals for Excellent Police Duty.

In 2006, Respondent forfeited 40 vacation days after pleading guilty to (i-ii) making rude, insulting, and disrespectful comments toward a NJ police chief which constituted conduct prejudicial to the good order of the Department; (iii) failing to notify the Operations Unit of this incident; (iv) falsely representing that he was a resident of a NJ municipality where he was applying for a police officer position when he was not and (v) using a Department computer for personal purposes.

Respondent was placed on Level 1 Discipline Monitoring on June 30, 2017; that monitoring was upgraded to Level 2 Discipline Monitoring on May 25, 2018, following the underlying incident in this matter. Monitoring remains ongoing.

In connection with the instant matter, Respondent was suspended without pay from April 17, 2018, to May 19, 2018.

For your consideration.

Paul M. Gamble
Assistant Deputy Commissioner Trials